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10/025,590

12/18/2001

Ke-Chi Jang

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03/10/2005

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EXAMINER

SMITH, SHEILA B

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,590

Applicant(s)

JANG ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,18,19,21 and 23-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,18,19,21 and 23-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5,18,19,21,23-30, rejected under 35 U.S.C. 102(e) as being anticipated by Froula (U.S. Patent Publication Number 2001/0034235).

Regarder claim 1, Froula essentially discloses all of the claimed invention as set forth in the instant application, additionally Froula discloses a method, and apparatus for controlling mobile access to a wireless communication, Froula further discloses a method for selective call blocking in a communications network during an access overload condition detecting a plurality of simultaneous access requests from a plurality of mobile terminals (which reads on paragraph [0013]), wherein the number of access requests exceeds capacity of a portion of the communications network (which reads on paragraph [0007]), and transmitting to the plurality of mobile terminals a message indicating a subset of the plurality of mobile terminals (which reads on paragraph [0014]), the mobile terminals in the subset being prevented from accessing one or more service options or service option groups (which reads on paragraph [0014]), or making calls of selected call types within the network (which reads on emergency #911), wherein the

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subset of mobile terminals are identifiable by unique identity numbers (which reads on access overload class range 0 –9 as disclosed paragraph [0020]).

Regarding claim 2, Froula discloses everything claimed, as applied above (see claim 1) additionally, Froula discloses selecting the subset based on call type (which reads on paragraph [0022]).

Regarding claim 3, Froula discloses everything claimed, as applied above (see claim 2) additionally, Froula selecting the subset based on a classification of the mobile terminals (which reads on paragraph [0022]).

Regarding claim 4, Froula discloses everything claimed, as applied above (see claim 3) additionally, Froula discloses mapping the classification from unique identification numbers of the mobile terminals to one or more decimal values, wherein the decimal values are associated with the identity number (which reads on paragraph [0022]).

Regarding claim 5, Froula discloses everything claimed, as applied above (see claim 1) additionally, Froula discloses indicating in the message whether emergency calls are prevented from accessing the network (which reads on paragraph [0022]).

Regarding claim 18, Froula essentially discloses all of the claimed invention as set forth in the instant application, additionally Froula discloses a method, and apparatus for controlling

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mobile access to a wireless communication, Froula further discloses a communications network, wherein the node has instructions for: detecting a plurality of simultaneous access requests from a plurality of mobile terminals (which reads on paragraph [0013]), wherein the number of access requests exceeds capacity of a portion of the communications network (which reads on paragraph [0007]), and transmitting to the plurality mobile terminals a message indicating a subset of the plurality of mobile terminals which reads on paragraph [0014]), the mobile terminals in the subset being prevented from accessing the network one or more service options or service option groups (which reads on paragraph [0014]), or making calls of selected call types within the network (which reads on emergency #911), wherein the subset of mobile terminals are identifiable by unique identity numbers (which reads on access overload class range 0 –9 as disclosed paragraph [0020]).

Regarding claim 19, Froula discloses everything claimed, as applied above (see claim 18) additionally, Froula discloses the node has additional instructions for selecting the subset based on call type (which reads on paragraph [0022]).

Regarding claim 21, Froula discloses everything claimed, as applied above (see claim 19) additionally, Froula discloses the node has additional instructions for selecting the subset based on a classification of the mobile terminals (which reads on paragraph [0022]).

Regarding claim 23, Froula discloses everything claimed, as applied above (see claim 18) additionally, Froula discloses the node has additional instructions for indicating in the

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message whether emergency calls are prevented from accessing the network (which reads on paragraph [0022]).

Regarding claim 24, Froula discloses everything claimed, as applied above (see claim 1) additionally, Froula discloses a communications device (145) comprising a processor (430), a radio transceiver (410,450) coupled to the processor (430), a memory (440) coupled to the processor (430), wherein the memory contains instructions for: periodically receiving an access control message, and determining whether the mobile communications device is subject to the restrictions to one or more service option or service option groups indicated access control message (which reads on paragraph [0014]), if yes, then storing indicators in the memory for later use (as exhibited in figure 4 and disclosed in paragraph [0038]).

Regarding claim 25, Froula discloses everything claimed, as applied above (see claim 24) additionally, Froula discloses instructions for receiving a send command to initiate a call session, and determining from the indicators whether the send command is subject to the access control message, if yes, then stopping the call session (which reads on paragraph [0014]).

Regarding claim 26, Froula discloses everything claimed, as applied above (see claim 24) additionally, Froula discloses the determining instruction further comprises: (a) reading a service indicated by the access control message, (b) reading a class associated with the service, (c) determining if the mobile communications device is a member of the class based on a unique identity number associated with the communications device (which reads on access

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overload class range 0 –9 as disclosed paragraph [0020]), if yes, then storing an indicator associated with the service, (d) repeating steps a through c for each service contained in the access control message (which reads on paragraph [0013]).

Regarding claim 27, Froula discloses everything claimed, as applied above (see claim 26) additionally, Froula discloses step (c) further comprises determining if the mobile communications device is a member of the class using a unique identity number associated with the mobile communications device (which reads on access overload class range 0 –9 as disclosed paragraph [0020]).

Regarding claim 28, Froula discloses everything claimed, as applied above (see claim 26) additionally, Froula discloses the instructions further comprises: receiving a send command to initiate a call session, determining the service associated with the send command, determining from indicators if the service associated with the send command is subject to the access control message, if yes, then stopping the call (which reads on paragraph [0014]).

Regarding claim 29, Froula discloses everything claimed, as applied above (see claim 24) additionally, Froula discloses the instructions further comprises reading at least one emergency parameter in the access control message (which reads on paragraph [0022]).

Regarding claim 30, Froula discloses everything claimed, as applied above (see claim 28) additionally, Froula discloses the instructions further comprises determining if the call

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session is an emergency call, if the call session is an emergency call, then determining whether the at least one emergency parameter indicates whether the emergency call is subject to the access control message, if yes, then stopping the call session (which reads on paragraph [0014]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Froula in view of EP 982955 (applicant submitted prior art).

Regarding claims 31-36 Froula discloses everything claimed, as applied above (see claim 1) however, Froula fails to specifically disclose the message is repeated continuously for a predetermined period of time.

In the same field of endeavor, EP 982955 discloses a allocating telecommunications services for telecommunications network. EP 982955 discloses the message is repeated continuously for a predetermined period of time in the abstract and the paragraph (0012)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Froula by modifying method, and apparatus for controlling mobile access to a wireless communication with a message is repeated continuously for a predetermined period of time as taught by EP 982955 for the purpose enabling flexible allocation of telecommunications services to one or more terminals.

Response to Arguments

3. Applicant's arguments filed 10/12/2004 have been fully considered but they are not persuasive.

Regarding applicants arguments concerning transmitting to the plurality of mobile terminals a message indicating a subset of the plurality of mobile terminals, the mobile terminals in the subset being prevented from accessing one or more service options or service option groups, or making calls of selected call types. The examiner contends these limitations have been met. The examiner points the applicant again to paragraph 0014, transmitting to the plurality of mobile terminals a message indicating a subset (access type) of the plurality of mobile terminals (this reads on "The base station provides the control information in an access parameters message via a paging channel to mobile stations in the communication cell. Prior to an attempt to establish access to the communication system, a mobile station receives the access parameters message carrying the control information, and uses the control information to determine if a mobile access is allowed based on access type" as disclosed in paragraph 0020), the mobile terminals in the subset being prevented from accessing one or more service options or service option groups (which reads on "As a result, certain overload class of mobile stations or type of mobile access may be denied access to the communication system" as disclosed in paragraph 0020), or making calls of selected call types within the network (which reads on emergency #911), wherein the subset of mobile terminals are identifiable by unique identity numbers (which reads on "The base persistence value is associated with the first mobile access parameter and identifies an access overload class of a mobile station, which ordinarily corresponds to the last digit of a mobile station identifier or an international mobile subscriber

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identity (IMSI). Typically, mobile stations used by the general population belong to a mobile access overload class within a range of zero (0) through nine (9). A base persistence value PSIST(0-9) is a six-bit value that is used to control mobile access attempted by mobile stations belonging to the mobile access overload class within the range of zero (0) through nine (9)” as disclosed in paragraph 0022).

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the message is repeated continuously for a predetermined period of time which enables flexible allocation of telecommunications services to one or more terminals.

5. The examiner stands by and repeats the above rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith *SS*
March 7, 2005

E. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER